

FILED 10 FEB 9 8 29 USDC-ORF

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

SCHOLZ DESIGN, INC.,

09-CV-1018-JE

Plaintiff,

ORDER

v.

STONE RIDGE CUSTOM HOMES,  
INC.; DELSON ENGINEERING,  
INC.; CHRISTINE L. SIRPLESS,  
individually; and CHRISTINE L.  
SIRPLESS in her capacity as  
personal representative of the  
ESTATE OF WILLIAM J. SIRPLESS,

Defendants.

BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and  
Recommendation (#16) on December 8, 2009, in which he recommends

granting Plaintiff Scholz Design, Inc.'s Motion (#10) to Strike Defendant Delson Engineering, Inc.'s *Pro Se* Appearance, Answer, Affirmative Defenses, and Counterclaims. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983) (rev'd on other grounds). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8<sup>th</sup> Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

#### **CONCLUSION**

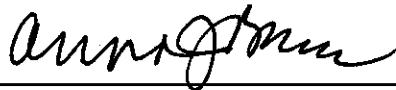
The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#16). Accordingly, the Court **GRANTS** Plaintiff Scholz Design, Inc.'s Motion (#10) to Strike Defendant Delson Engineering, Inc.'s *Pro Se* Appearance, Answer, Affirmative Defenses, and Counterclaims.

In the exercise of its discretion to manage time deadlines pursuant to Federal Rule of Civil Procedure 16, the Court concludes Defendant Delson Engineering, Inc., may have the opportunity to file another answer (including any appropriate affirmative defenses and/or counterclaims) if it does so through

an attorney admitted to practice in this Court and if such an appearance is filed no later than March 8, 2010. Failure to file such an appearance through counsel will result in Defendant Delson Engineering, Inc., thereafter being subject to an order of default or a default judgment.

IT IS SO ORDERED.

DATED this 8<sup>th</sup> day of February, 2010.

A handwritten signature in black ink, appearing to read "Anna J. Brown", is written over a horizontal line.

ANNA J. BROWN  
United States District Judge